

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

ANTHONY E. GAUSE,

Petitioner,

Case No. 3:24-cv-7

v.

WARDEN, Chillicothe Correctional  
Institution,

District Judge Michael J. Newman  
Magistrate Judge Peter B. Silvain, Jr.

Respondent.

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**ORDER: (1) ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Doc. No. 15); (2) OVERRULING PETITIONER'S OBJECTIONS (Doc. No. 16); (3) DENYING AND DISMISSING WITH PREJUDICE THE PETITION FOR A WRIT OF HABEAS CORPUS (Doc. No. 1); (4) DENYING A CERTIFICATE OF APPEALABILITY; (5) CERTIFYING THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS AND FINDING THAT *IN FORMA PAUPERIS* STATUS SHOULD BE DENIED ON APPEAL; AND (6) TERMINATING THIS CASE ON THE DOCKET**

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Petitioner Anthony E. Gause, an inmate in state custody, brings this case *pro se* seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. No. 1. The case is before the Court upon the Report and Recommendation of United States Magistrate Peter B. Silvain, Jr. (Doc. No. 15), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Judge Silvain recommends that the petition be denied and this action be dismissed. Doc. No. 15 at PageID 825. Petitioner timely filed objections to the Report and Recommendation. Doc. No. 16. As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all filings in this matter, including Petitioner's objections.

Upon careful *de novo* consideration of the foregoing, the Court concludes that Petitioner's objections lack merit and that the Report and Recommendation should be adopted. Accordingly, the

Court (1) **ADOPTS** the Report and Recommendation of the Magistrate Judge in its entirety; (2) **OVERRULES** Petitioner's objections; (3) **DENIES** and **DIMISSES WITH PREJUDICE** his habeas corpus petition; (4) **DENIES** Petitioner a certificate of appealability; (5) **CERTIFIES** that any appeal would be objectively frivolous and **FINDS** that Petitioner should be denied *in forma pauperis* status on appeal; and (6) **TERMINATES** this case on the docket.

**IT IS SO ORDERED.**

May 13, 2025

s/Michael J. Newman

Hon. Michael J. Newman  
United States District Judge